

**OFFICE OF THE CLERK**  
**UNITED STATES DISTRICT COURT**  
**Northern District of California**

**CIVIL MINUTES**

<b>Date:</b> August 8, 2024	<b>Time:</b> 2:14 p.m.- 3:51 p.m.	<b>Judge:</b> LISA J. CISNEROS
<b>Case No.:</b> <a href="#">3:23-md-03084-CRB</a>	<b>Case Name:</b> In re: Uber Technologies, Inc. v.	

**For Plaintiffs:** Roopal Luhana, Chaffin Luhana LLP; Marlene Goldenberg, Nigh Goldenberg Raso & Vaughn; Elizabeth Wilkins, Chaffin Luhana LLP; Rachel Abrams and Tiffany Ellis, Peiffer Wolf Carr Kane Conway & Wise LLP; Bret Stanley, Johnson Law Group; William Levin; Levin Simes LLP.

**For Defendants:** Michael Shortnacy, Patrick Oot, Veronica Gromada and Jeremy Wikler, Shook, Hardy & Bacon LLP; Kyle Smith, Paul Weiss, Paul Weiss Rifkind Wharton Garrison LLP

**For Third-Party Lyft:** David Riskin, Williams & Connolly LLP; Warren Metlitzky, Conrad, Metlitzky Kane LLP.

**Deputy Clerk:** Brittany Sims

**Reported by:** Cathy Taylor

**PROCEEDINGS**

Discovery Status Conference held.

The parties discussed with the Court various aspects of the discovery process, their progress and challenges that have arisen.

With respect to the ongoing disputes concerning Uber’s ESI custodians, the Court directed the parties to continue to meet and confer to resolve the disputes to the full extent possible. If certain custodians remain disputed, Plaintiffs shall file a letter brief by August 19, 2024, and Defendants shall respond by August 29, 2024. Each letter brief shall not exceed 12 pages (12-point font size for text in the body and footnotes). The Court will consider *In re EpiPen Marketing, Sales Practices & Antitrust Litigation*, No. 17-MD-2785-DDC-TJJ, 2018 WL 1440923, at \*2 (D. Kan. Mar. 15, 2018), and any other authority presented by the parties that addresses Rule 26(b)(1) and the standard for the designation of ESI custodians.

The Court also ordered Uber to produce to Plaintiffs by August 12, 2024 the custodial records for the nine custodians that it produced to the JCCP Plaintiffs. *See* Pretrial Order 5 at 4, ECF No. 175 (“Defendants shall promptly produce to Plaintiffs, prior to receipt of formal document

requests from Plaintiffs, all documents Defendants produced in any other sexual assault cases.”). In addition, Uber shall promptly produce the records for the same nine custodians collected based on the MDL Plaintiffs’ search terms where the records are unique, i.e. not already contained in the JCCP production. These nine custodians at issue are the individuals that have been identified for likely deposition in September 2024 in connection with the JCCP case. Failure to produce these records sufficiently in advance of the nine custodians’ JCCP depositions, provides grounds for this Court to find good cause for a second deposition of any particular custodian affected by the delay. Pretrial Order 16 at F.1

Counsel for Lyft and Plaintiffs addressed compliance with the Court’s prior order, ECF No. 695. The Court will issue an order regarding Lyft third-party discovery, and an order that addresses other aspects of discovery, including the date for the next discovery conference.